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May 13, 2025

Via CM/ECF

The Honorable Arun Subramanian
United States District Court
Southern District of New York
500 Pearl Street, Room 250
New York, NY 10007

Defendants' motion to dismiss plaintiff's complaint is hereby denied as moot. Defendants' motion to dismiss the amended complaint is due May 22, 2025; plaintiff's opposition is due June 19, 2025; and defendants' reply is due June 26, 2025. The Clerk of Court is respectfully directed to terminate the motion at Dkt 26.

SO ORDERED.



Arun Subramanian, U.S.D.J.
Date: May 15, 2025

Re: *Sidoli v. YouTube, LLC, et al.*, No. 1:25-cv-01586-AS-SN (S.D.N.Y.)

Your Honor:

On behalf of Defendants Google LLC and YouTube, LLC (collectively, “YouTube”), I write to seek clarification regarding the Court’s preferred procedure for addressing Plaintiff Nataliya Sidoli’s Amended Complaint. ECF No. 33.

Plaintiff filed her Complaint on February 25, 2025. ECF No. 1. YouTube filed its Motion to Transfer, or in the alternative, Motion to Dismiss, on April 28. ECF No. 26. Plaintiff filed an objection on May 6 (ECF No. 31), another objection totaling 97-pages on May 8 (ECF No. 32), and an Amended Complaint on the same day (ECF No. 33). The substance of the Amended Complaint is the same as the original Complaint, except that Plaintiff adds conclusory and implausible assertions to the effect that YouTube removed her channel at the “request[] of the government of Pakistan.” ECF No. 33 at 2.

Plaintiff is entitled to file one Amended Complaint as a matter of course. *See* Fed. R. Civ. P. 15(a)(1). If the Court does not say otherwise, YouTube will treat the original complaint as superseded and the original motion to dismiss as moot. YouTube’s motion to dismiss the Amended Complaint will then be due on May 22. *See* Fed. R. Civ. P. 15(a)(3).

However, when an amended pleading is filed, the Court has discretion to “either deny a pending motion to dismiss as moot or consider the merits of the motion, analyzing the facts as alleged in the amended pleading.” *Pettaway v. Nat’l Recovery Sols., LLC*, 955 F.3d 299, 303 (2d Cir. 2020). YouTube would not object if the Court wishes to rule on its existing motion to transfer or dismiss. *See* ECF No. 26. This would not be difficult, given the substantial similarity between the original and amended complaints. Ruling on the already-pending motion would “promote[]

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judicial economy by obviating the need for multiple rounds of briefing addressing complaints that are legally insufficient.” *Id.*

If the Court does exercise its discretion to rule on the pending motion, YouTube would ask for leave to file a reply in further support of its motion within two weeks of the Court’s order.

Respectfully submitted,

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/s/ Benjamin D. Margo

*Attorneys for Defendants
YOUTUBE, LLC and GOOGLE LLC*